



February 15, 2012

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

RE: Notice of *Ex Parte* Meeting
Telecommunications Relay Services and Speech-to-Speech Services for Individuals with
Hearing and Speech Disabilities; Structure and Practices of the Video Relay Services
Program
CG Docket Nos. 03-123 and 10-51

Dear Ms. Dortch:

On Monday, February 13, 2012, Shane Feldman and Andrew Phillips from the National Association of the Deaf (“NAD”); Janet Bailey, RID; Sean Belanger and Jeff Rosen, ZVRS; Robin Horwitz, David Bahar, Phil Marchesiello, and Jewel Javregni, Convo; Tom Kiely and Nancy Bloch, Snap VRS; Kelby Brick, Purple; Christian Vogler and Norman Williams, Gallaudet; Sharon Hayes, VRSCA; Claude Stout, Jim House, and Tamar Finn, TDI; Angela Roth, ASL Holdings/Gracias VRS; Everett Puckett, CAAG; and Paul Kershnik, Mike Maddix, and John Nakahata, Sorenson met at the roundtable discussion with Karen Peltz Strauss, Gregory Hlibok, Bob Aldrich, Nicholas Alexander, Eliot Greenwald, Richard Hovey, Paul de Sa, and Henning Schulzrinne from the Federal Communications Commission (“FCC”) to discuss the Further Notice of Proposed Rulemaking (“FNPRM”) on reforms to VRS. The roundtable session focused on four areas: (1) a Telecommunications Relay Service Broadband Pilot Program (“TRSBPP”), (2) changes to the VRS reimbursement system, (3) technical standards for VRS, and (4) the quality of VRS.

The NAD strongly supports the TRSBPP, but requested that the FCC conduct research to determine the actual number of unreached potential users. We encouraged the FCC to fund this program through the Universal Service Fund (“USF”) rather than the Telecommunications Relay Service Fund (“TRS Fund”). This would avoid creating a “separate but equal” system for deaf and hard of hearing people. One individual at the roundtable meeting stressed that the broadband program must include training for deaf and hard of hearing people on how to use/benefit from broadband access. We agree. The quality of broadband service provided through this program needs to offer enough bandwidth to support sign language communication in video conferencing calls. This will ensure that deaf and hard of hearing people benefiting from the program will be able to make and receive video and VRS calls.

The NAD expressed strong concerns about the possible rate change from a per minute reimbursement system to a per user reimbursement system. A per user system will change the motives of the VRS industry from one that favors the consumers to one that is adverse. VRS providers will seek customers who rarely use VRS and tailor their services to attract low-use customers. VRS providers may even ward off high volume users.

The NAD described the pitfalls of being locked-in with one VRS provider for a lengthy amount of time (more than one or two months). Many deaf and hard of hearing people need to dial around and use other VRS providers when their primary VRS doesn't answer quickly or there is network congestion between the user and provider.

Comparing the per user lock-in system to lengthy mobile phone plans is not a good comparison, we explained that if we were to compare, one needs to consider the fact that many mobile phone plans allow people to opt out of their plans early. Monthly mobile phone plans are also available to hearing people. One representative at the meeting explained that we cannot compare being locked in with one VRS provider to mobile phone users entering lengthy contracts with mobile phone carriers. Mobile phone carriers own their networks and are able to control the quality of the calls on their networks while VRS providers do not control the Internet and cannot correct network problems.

The NAD also shared concerns about the dangers of not being able to dial around when unable to reach our locked-in provider in emergency/urgent situations. We understand that dial around will likely be permitted for 911 calls, but we noted that many emergency or urgent calls are made to family members, friends, or co-workers. Emergency non-911 situations could occur if a deaf or hard of hearing person needed a friend to come pick him/her up and take him/her to the doctor, or was in a car accident and needed to reach a friend to ask him/her to pick up one's child from daycare.

The NAD is disappointed that the FCC is moving ahead quickly on the FNPRM, with little to no research on the potential effects of the new rate reimbursement methodology, and proposing a new system without a trial program. Put simply, the proposed system is a novel approach has never been tried before on any level that carries great risk of disrupting a system that has made a tremendous difference in the lives of VRS consumers. VRS is a civil right protected under the Americans with Disabilities Act ("ADA"). VRS is a critical system that hundreds of thousands of deaf and hard of hearing people rely on to make their personal, work, medical, and legal calls everyday. Any significant changes should be handled with great care.

The NAD fully supports the proposed technical standards and requirements for interoperability between video phones and VRS providers. We are pleased that the FCC asked stakeholders for ideas to improve the quality of VRS. We encouraged the FCC to pay special attention to interpreting services, which we consider the integral part of VRS. We feel that the one-size-fits-all system, matching VRS Communications Assistants ("CAs") with callers needs to be improved. We encouraged the FCC to consider allowing VRS users to opt into a system that will better match VRS CAs to callers. The current system supports the bare minimum in interpreting services required by law, which falls short of functional equivalence. The NAD and

other consumer group representatives propose the following steps to bring deaf and hard of hearing consumers closer to functional equivalency:

1. Require certification for all VRS CAs. Certification must be the minimum standard for all VRS CAs before they are permitted to work in VRS. Many professionals are required to pass minimum competency tests or obtain certifications before they can practice in their respective professions. This requirement should be phased-in.
2. Require VRS providers to allow consumers to select VRS CAs according to skill sets, specialized communication needs such as choice of interpreting, transliteration and signing styles, and areas of knowledge. Communication needs vary among deaf and hard of hearing calls as well as the subject matter of each call. Matching VRS CAs and callers will improve functional equivalency.
3. Require VRS providers to allow consumers to create a list of preferred CAs. VRS providers will be assigned a preferred CA when and if available. This gives consumers the ability to control the quality of their calls and allow them to select CAs they know will provide the most functionally equivalent call. This is no different than consumers informing an agency that they want a specific interpreter who is familiar with their subject matter.

The NAD appreciates the opportunity to participate in this roundtable discussion. We want to work closely with the FCC to improve VRS. We are confident that if the FCC collaborates with consumers, we will find a way to ensure that this system meets the goals for both parties. We are concerned that without such collaboration, consumers will be left with a VRS system that is counterproductive to consumers and not functionally equivalent.

Respectfully submitted,

A handwritten signature in blue ink that reads "Andrew S. Phillips".

Andrew S. Phillips, Esq.
Policy Attorney

Cc: Karen Peltz Strauss, FCC
Gregory Hlibok, FCC
Bob Aldrich, FCC
Nicholas Alexander, FCC
Eliot Greenwald, FCC
Richard Hovey, FCC
Paul de Sa, FCC
Henning Schulzrinne, FCC